

### **REMARKS**

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 1-60 have been rejected in the Office action. Claims 1, 8, 21, 28, 41, and 48 have been amended. No new claims have been added, and claims 7, 27, and 47 have been canceled in this Amendment. Accordingly, claims 1-6, 8-26, 28-46, and 48-60 are pending herein. Claims 1-6, 8-26, 28-46, and 48-60 are believed to be in condition for allowance and such favorable action is respectfully requested.

Applicants' representative thanks the Examiner for granting a telephonic interview on March 2, 2006. During the interview, proposed amendments to the independent claims were discussed. The Examiner kindly indicated that the proposed amendments overcome the obviousness rejections based on U.S. Patent No. 5,551,436 to Yago et al. (the "Yago reference") and U.S. Patent No. 5,926,526 to Rapaport et al. (the "Rapaport reference"). As such, Applicants' have amended the claims in accordance with the proposed amendments. Applicants respectfully submit that the claim amendments overcome the rejections as set forth in further detail below. Additionally, the other references cited by the Examiner as being pertinent to Applicants' disclosure have been carefully studied, but it is not believed that they, either separately or in combination, teach or suggest the claimed invention. As such, Applicants respectfully submit that the pending claims are now in condition for allowance.

### **Amendments to the Claims**

Claims 1, 8, 21, 28, 41, and 48 have been amended in this Amendment. Care has been exercised to avoid the introduction of new matter. Support for the amendments to claims 1, 21, and 41 may be found in the Specification, for example, at page 10, line 21 through page 11,

line 11; and FIG. 2B. Support for the amendments to claims 8, 18, and 48 may be found in the Specification, for example, at page 11, lines 12-13; and FIG. 2B.

### **Rejections based on 35 U.S.C. § 103**

#### **A. Applicable Authority**

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP § 2143 through § 2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. See MPEP § 2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985).” *Id.* See also MPEP § 706.02(j) and § 2142.

#### **B. Rejections based on Yago and Rapaport**

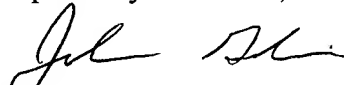
Claims 1-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yago reference in view of the Rapaport reference. Each of independent claims 1, 21, and 41

has been amended to include a limitation related to determining if the medical test result will be automatically interpreted independent of clinician input or if the medical test result will be interpreted using clinician input. Applicants respectfully submit that the Yago and Rapaport references, either alone or in combination, fail to teach or suggest this limitation. As such, Applicants respectfully submit that the amendments to independent claims 1, 21, and 41 overcome the obviousness rejections of these claims based on the Yago and Rapaport references. Additionally, each of the pending dependent claims depend directly or indirectly from independent claims 1, 21, or 41, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections to claims 1-6, 8-26, 28-46, and 48-60.

### **CONCLUSION**

For at least the reasons stated above, claims 1-6, 8-26, 28-46, and 48-60 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-6, 8-26, 28-46, and 48-60. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

  
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